

# MAYOR & COUNCIL AGENDA COVER SHEET

## MEETING DATE:

June 2, 2003

## CALL TO PODIUM:

Fred Felton,  
Assistant City Manager

## RESPONSIBLE STAFF:

Fred Felton,  
Assistant City Manager

## AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Reappointment
X	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

## PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	05/05/03
Advertised	05/21/03
Hearing Date	06/02/03
Record Held Open	
Policy Discussion	

## TITLE:

An Emergency Ordinance to Amend Chapter 2 of the City Code, entitled "Administration," Article II, entitled "Municipal-County Relations," Section 2-6 Thereof, entitled "Exemption from Montgomery County Legislation and Regulations Within the City" so as to Include the Provisions of Section 19-35 entitled "Water Quality Protection Charge" of Chapter 19 of the County Code entitled "Erosion, Sediment Control, and Storm Water Management," as being Applicable and Enforceable Within the City

## SUPPORTING BACKGROUND:

During the April 28, 2003 work session, the Mayor and City Council directed staff to introduce an emergency ordinance that would make Section 19-35 of the Montgomery County Code applicable within the City of Gaithersburg.

As discussed, staff is recommending that we pursue a Memorandum of Understanding with Montgomery County whereby the County would assess and collect the Water Quality Protection Charge on properties within the City of Gaithersburg, and return these funds (less administrative costs) to the City to help finance our Storm Water Management and NPDES compliance programs.

Currently, the County's Water Quality Protection Charge is \$12.75 a year for detached single-family homes, and \$4.21 a year for townhouses. Fees for multi-family properties and certain associated non-residential properties are calculated based on the amount of impervious area they contain.

Staff believes that adoption of this ordinance would generate between \$110,000 to \$140,000 annually. As discussed, during the April 28, 2003 work session, it appears that the City's combined operating and capital costs in the FY'04 Budget will be approximately 1.5 million dollars.

## DESIRED OUTCOME:

Staff recommends that the Mayor and City Council vote to hold the record open for ten days. It is anticipated that final action will be taken on this matter during the June 16, 2003 Mayor and City Council meeting.

### **NOTICE OF PUBLIC HEARING**

The Mayor and City Council of the City of Gaithersburg will hold a public hearing on:

**MONDAY**  
**June 2, 2003**  
**7:30 P.M.**

or as soon thereafter as it can be heard in the Council Chambers at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland on:

**AN EMERGENCY ORDINANCE TO AMEND CHAPTER 2 OF THE CITY CODE, ENTITLED "ADMINISTRATION," ARTICLE II, ENTITLED "MUNICIPAL-COUNTY RELATIONS," SECTION 2-6 THEREOF, ENTITLED "EXEMPTION FROM MONTGOMERY COUNTY LEGISLATION AND REGULATIONS WITHIN THE CITY" SO AS TO INCLUDE THE PROVISIONS OF SECTION 19-35 ENTITLED "WATER QUALITY PROTECTION CHARGE" OF CHAPTER 19 OF THE COUNTY CODE ENTITLED "EROSION, SEDIMENT CONTROL, AND STORM WATER MANAGEMENT", AS BEING APPLICABLE AND ENFORCEABLE WITHIN THE CITY**

Further information may be obtained from the City Manager's Office at City Hall, 31 South Summit Avenue between the hours of 8 a.m. and 5 p.m., Monday through Friday.

**David B. Humpton**  
**City Manager**

**1t 5/21/03**

12/0805

AN EMERGENCY ORDINANCE TO AMEND CHAPTER 2 OF THE CITY  
CODE, ENTITLED "ADMINISTRATION", ARTICLE II, ENTITLED  
"MUNICIPAL-COUNTY RELATIONS", SECTION 2-6 THEREOF, ENTITLED  
"EXEMPTION FROM MONTGOMERY COUNTY LEGISLATION AND REGULATIONS  
WITHIN THE CITY" SO AS TO INCLUDE THE PROVISIONS OF SECTION 19-35  
ENTITLED "WATER QUALITY PROTECTION CHARGE" OF CHAPTER 19 OF THE  
MONTGOMERY COUNTY CODE ENTITLED "EROSION, SEDIMENT CONTROL,  
AND STORM WATER MANAGEMENT", AS BEING APPLICABLE AND  
ENFORCEABLE WITHIN THE CITY

The Mayor and City Council hereby declares an emergency to exist with respect to the regulation, operation, management and financing of storm water management in the City; THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 2 of the City Code, entitled "administration", Article II, entitled "Municipal-County Relations", Section 2-6 thereof, is hereby amended to read as follows:

CHAPTER 2  
ADMINISTRATION

\* \* \* \*

ARTICLE II. MUNICIPAL-COUNTY RELATIONS

Sec. 2.6. Exemption from Montgomery County legislation and regulations within the City.

It is hereby ordained by the Mayor and City Council of the City of Gaithersburg, Maryland, that pursuant to the authority granted by Article 23A, Section 2B(a), of the Annotated Code of Maryland, as enacted by Chapter 398 of the Laws of Maryland, 1983, and further pursuant to Chapter 33 of the Laws of Montgomery County, 1984, as codified in Chapter 2, Section 2-96 of the Montgomery County Code (1972 edition, as amended), as may hereafter from time to time be amended, the City of Gaithersburg, Maryland, is hereby declared exempt from any and all legislation and regulations pertaining hereto, heretofore or hereafter enacted by Montgomery County, Maryland, relating to any subject or matter upon which the Mayor and City Council of the City, or the City of Gaithersburg, as a municipal corporation, has been heretofore or is hereafter granted legislative authority, with the following exceptions which shall hereafter be applicable to and within the City of Gaithersburg, Maryland.

Chapter Title, Montgomery County Code 1984, as amended:

Chapter 1 -

\* \* \* \*

Chapter 19 - Erosion, Sediment Control and Storm Water Management, Sec.19-35 of said Chapter

\* \* \* \*

ADOPTED this 2<sup>nd</sup> day of June, 2003, by the City Council of Gaithersburg, Maryland.

\_\_\_\_\_  
Sidney A. Katz, Mayor and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 2nd day of June, 2003. APPROVED/VETOED by the Mayor of the City of Gaithersburg, this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Sidney A. Katz, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was Adopted by the City Council of Gaithersburg, in public Meeting assembled, on the \_\_\_\_ day of \_\_\_\_\_, 2003, And that the same was approved/vetoed by the Mayor of the City of Gaithersburg on the \_\_\_\_ day of \_\_\_\_\_, 2003. This Ordinance will become effective on the date of approval by the Mayor.

\_\_\_\_\_  
David B. Humpton, City Manager

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by Amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*